

OGC HAS REVIEWED.

9 May 1956

MEMORANDUM FOR: Director of Personnel

ATTENTION : [REDACTED] 25X1A9a

SUBJECT : Holding of State or Local Offices by Federal Employees

1. You will recall that I mentioned to you in a telephone conversation a few days ago that the Civil Service Commission regulations, issued under Executive Order 8516, and permitting Federal employees to occupy state or local offices under certain conditions, had been revoked.

2. The following article, quoted in its entirety, appeared in Navy's "OIR Newsletter" for April 1956:

"Under Executive Order 8516, of 15 August 1940, the U. S. Civil Service Commission issued regulations permitting employees appointed, on or after 15 August 1940, to positions in the Federal service directly concerned with national defense, to hold any state, territorial, municipal or local office. These regulations were issued to facilitate the recruitment of personnel during a national emergency. Because the conditions under which these regulations were issued no longer prevail they were revoked effective 15 April 1956. Federal employees, therefore, after 15 April 1956 may hold only those offices permitted under Executive Order 9 of 17 January 1873 concurrent with their Naval employment. A list of these offices can be found in NCPI 150.

"An employee holding office which was permitted by the regulations issued under Executive Order 8516 of 15 August 1940 is to vacate such office within the following time limits. Where an employee holds office for a definite term he may hold such office for the length of the term. Where an employee holds office for an indefinite term he may hold such office until 1 January 1957.

"Employees should be advised not to accept any appointment to state, territorial, municipal or local office except as permitted by Executive Order 9 of 17 January 1873. Those who presently hold prohibited positions should be urged to make arrangements to vacate them within the time limits

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cited in the preceding paragraph. Activities should give wide publicity to these additional restrictions on political activities by employees.

"The foregoing, however, does not affect the rights of Federal employees under Section 13 of the Hatch Act to be elected to or hold any office as a result of a non-partisan election or under Section 16 of the Hatch Act to be elected to or hold any office in selected communities designated in the FPM where the majority of voters are Federal Employees."

3. I will keep you advised of any further information on this subject that may come to my attention.

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Assistant General Counsel

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